

1673. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting the Department's report entitled "Section 404 of the Clean Water Act and Wetlands: Special Statistical Report, July 1995"; jointly, to the Committees on Transportation and Infrastructure, Resources, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOORHEAD: Committee on the Judiciary. H.R. 2361. A bill to amend the commencement dates of certain temporary Federal judgeships (Rept. 104-334). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 265. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 104-335). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 2621. A bill to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 2622. A bill to amend the Congressional Budget Act of 1974 to require that budget resolutions be joint resolutions and that those resolutions contain extensions of the statutory limit on the public debt, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALCONER:

H.R. 2623. A bill to amend the Indian Self-Determination and Education Assistance Act to make the provisions and benefits of Indian self-determination contracts applicable to Indian self-governance compacts; to the Committee on Resources.

H.R. 2624. A bill to establish the American Samoa Study Commission; to the Committee on Resources.

By Mr. FRANK of Massachusetts:

H.R. 2625. A bill to prohibit future obligation of funds for the B-2 bomber procurement program; to the Committee on National Security.

By Mr. HUTCHINSON (for himself and Mr. STUMP):

H.R. 2626. A bill to amend title 38, United States Code, to ensure that payments of compensation for veterans with service-connected disabilities and payments of dependency and indemnity compensation for survivors of such veterans are made regardless of Government financial shortfalls; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. ROTH.

H.R. 127: Mrs. THURMAN and Mr. BILBRAY.
H.R. 528: Mr. WATT of North Carolina, Mr. MCINNIS, Mr. BISHOP, Mr. BALDACC, Mr. ANDREWS, Mr. BOEHLERT, Mr. PASTOR, Mr. FORBES, Mr. STARK, Mr. KILDEE, Mr. ROBERTS, Mr. GREENWOOD, Mr. PORTER, Mr. COMBEST, Mr. EHRLICH, Mr. CHRISTENSEN, Mr. FRELINGHUYSEN, and Mr. BARRETT of Nebraska.

H.R. 580: Ms. KAPTUR.

H.R. 789: Mr. RAMSTAD.

H.R. 1140: Mr. TOWNS.

H.R. 1355: Mr. OWENS, Mr. DEFAZIO, Mr. EVANS, Mr. TORRES, Ms. VELAZQUEZ, Ms. LOFGREN, Mr. MARTINEZ, Mr. BONIOR, Mr. LIPINSKI, Ms. WOOLSEY, Mr. NADLER, Mr. WATT of North Carolina, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. PAYNE of New Jersey, Ms. NORTON, Mr. FILNER, and Mr. FATTAH.

H.R. 1619: Ms. WOOLSEY and Mr. CLYBURN.

H.R. 2098: Mr. PARKER.

H.R. 2240: Mr. MARTINI and Ms. WOOLSEY.

H.R. 2276: Mr. TRAFICANT.

H.R. 2281: Ms. DELAUNO and Mr. BALDACC.
H.R. 2342: Mr. COLEMAN, Mr. SCHIFF, and Mr. PETE GEREN of Texas.

H.R. 2373: Mrs. LINCOLN.

H.R. 2458: Mr. PORTER, Mr. PAXON, Mr. DEUTSCH, Mr. HALL of Ohio, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, and Mr. FRAZER.

H.R. 2472: Mr. BENTSEN, Mr. BARRETT of Wisconsin, Mr. MANTON, Mr. STUPAK, Mr. PETERSON of Minnesota, and Mr. ANDREWS.

H.R. 2508: Mr. SKELTON and Mr. WICKER.

H.R. 2529: Mr. TORRES, Ms. MCKINNEY, Mr. DEFAZIO, Ms. FURSE, and Mr. LEWIS of Georgia.

H.R. 2540: Mr. GENE GREEN of Texas, Mr. HOSTETTLER, Mr. WAMP, Mr. SCARBOROUGH, Mr. BAKER of California, Mr. HEFLEY, Mr. WELLER, Mr. BILIRAKIS, Mr. ANDREWS, Mr. LARGENT, and Mr. EMERSON.

H.R. 2564: Mr. CHABOT, Mr. BRYANT of Tennessee, Mr. COBLE, Mr. FLANAGAN, Mr. HEINEMAN, Mr. INGLIS of South Carolina, Mr. SENSENBRENNER, and Mrs. ROUKEMA.

H.R. 2579: Mr. BEREUTER, Mr. CRAMER, Mrs. MEYERS of Kansas, Mr. LUTHER, Mr. CANADY, and Mr. FALCONER.

H.J. Res. 89: Mr. LAHOOD.

H. Con. Res. 50: Mr. DOYLE.

H. Res. 220: Mrs. LOWEY, Ms. ROYBAL-ALVARADO, and Ms. LOFGREN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2539

OFFERED BY: Mr. SHUSTER

AMENDMENT NO. 1: Page 5, line 24, insert "common carrier" after "a person providing".

Page 7, line 8, insert "with respect to regulation of rail transportation" after "provided under this part".

Page 9, line 24, insert "The enactment of the ICC Termination Act of 1995 shall have no effect on which employees and employers are covered by the Railway Labor Act, the Railroad Retirement Act of 1974, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act." after "local governmental authority".

Page 12, in the table of sections for subchapter I of chapter 105, strike "Inflation-based rate increases" and insert in lieu thereof "Rail cost adjustment factor".

Page 13, line 21, strike "shall recognize" and insert in lieu thereof "shall give due consideration to—

"(A) the amount of traffic which is transported at revenues which do not contribute to going concern value and the efforts made to minimize such traffic;

"(B) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic

can be changed to maximize the revenues from such traffic; and

"(C) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues, recognizing".

Page 14, lines 2 through 5, strike "to establish simplified" and all that follows through "evidence is impractical".

Page 14, line 11, strike "including" and insert in lieu thereof "to the extent required by section 10507".

Page 17, line 11, strike "11101" and insert in lieu thereof "10902".

Page 29, line 11, strike "Class I".

Page 29, lines 12 and 13, strike "Panel's Rail Form A" and insert in lieu thereof "Uniform Rail Costing System".

Page 30, line 7, through page 31, line 3, amend section 10508 to read as follows:

"§ 10508. Rail cost adjustment factor

"(a) The Panel shall, as often as practicable, but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Panel, with appropriate adjustments to reflect the change in composition of railroad costs, including the quality and mix of material and labor) and the denominator of which is the same index for the fourth quarter of every fifth year, beginning with the fourth quarter of 1992.

"(b) The rail cost adjustment factor published by the Panel under subsection (a) of this section shall take into account changes in railroad productivity. The Panel shall also publish a similar index that does not take into account changes in railroad productivity.

Page 31, line 22, insert "The district courts of the United States shall not have jurisdiction pursuant to this section based on section 1331 or 1337 of title 28, United States Code." after "parties otherwise agree."

Page 31, after line 22, insert the following:

"(d)(1) A summary of each contract for the transportation of agricultural commodities entered into under this section shall be filed with the Panel, containing such nonconfidential information as the Panel prescribes. The Panel shall publish special rules for such contracts in order to ensure that the essential terms of the contract are available to the general public.

Page 31, line 23, strike "(d)" and insert in lieu thereof "(2)".

Page 32, after line 6, insert the following new subsection:

"(f) A rail carrier that enters into a contract as authorized by this section remains subject to the common carrier obligation set forth in section 10901, with respect to rail transportation not provided under such a contract.

Page 37, in the table of sections for chapter 107, insert at the end the following new item: "10707. Railroad development.

Page 45, line 10, strike "paragraph (2) or".

Page 45, lines 13 through 22, strike paragraph (2).

Page 45, line 23, strike "(3)" and insert in lieu thereof "(2)".

Page 47, line 18, strike "6 months" and insert in lieu thereof "4 months".

Page 48, line 2, page 49, lines 21 and 25, and page 50, line 5, strike "6-month" and insert in lieu thereof "4-month".

Page 51, line 20, insert "The Panel does not have authority under this chapter over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks." after "or side tracks".

Page 51, after line 20, insert the following new section:

§ 10707. Railroad development

"(a) In this section, the term 'financially responsible person' means a person who—

"(1) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired; and

"(2) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years.

Such term includes a governmental authority but does not include a Class I or Class II rail carrier.

"(b)(1) When the Panel finds that—

"(A)(i) the public convenience and necessity require or permit the sale of a particular railroad line under this section; or

"(ii) a railroad line is on a system diagram map as required under section 10703 of this title, but the rail carrier owning such line has not filed a notice of intent to abandon such line under section 10703 of this title before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section; and

"(B) an application to purchase such line has been filed by a financially responsible person,

the Panel shall require the rail carrier owning the railroad line to sell such line to such financially responsible person at a price not less than the constitutional minimum value.

"(2) For purposes of this subsection, the constitutional minimum value of a particular railroad line shall be presumed to be not less than the net liquidation value of such line or the going concern value of such line, whichever is greater.

"(c)(1) For purposes of this section, the Panel may determine that the public convenience and necessity require or permit the sale of a railroad line if the Panel determines, after a hearing on the record, that—

"(A) the rail carrier operating such line refuses within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over such line;

"(B) the transportation over such line is inadequate for the majority of shippers who transport traffic over such line;

"(C) the sale of such line will not have a significantly adverse financial effect on the rail carrier operating such line;

"(D) the sale of such line will not have an adverse effect on the overall operational performance of the rail carrier operating such line; and

"(E) the sale of such line will be likely to result in improved railroad transportation for shippers that transport traffic over such line.

"(2) In a proceeding under this subsection, the burden of proving that the public convenience and necessity require or permit the sale of a particular railroad line is on the person filing the application to acquire such line. If the Panel finds under this subsection that the public convenience and necessity require or permit the sale of a particular railroad line, the Panel shall concurrently notify the parties of such finding and publish such finding in the Federal Register.

"(d) In the case of any railroad line subject to sale under subsection (a) of this section, the Panel shall, upon the request of the acquiring carrier, require the selling carrier to provide to the acquiring carrier trackage rights to allow a reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring carrier. The Panel shall require the acquiring carrier to provide the selling carrier reasonable compensation for any such trackage rights.

"(e) The Panel shall require, to the maximum extent practicable, the use of the em-

ployees who would normally have performed work in connection with a railroad line subject to a sale under this section.

"(f) In the case of a railroad line which carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year, whenever a purchasing carrier under this section petitions the Panel for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practicably participate, the Panel shall, within 30 days after the date such petition is filed and pursuant to section 10505(a) of this title, require the establishment of reasonable joint rates and divisions over such route.

"(g)(1) Any person operating a railroad line acquired under this section may elect to be exempt from any of the provisions of this part, except that such a person may not be exempt from the provisions of chapter 105 of this title with respect to transportation under a joint rate.

"(2) The provisions of paragraph (1) of this subsection shall apply to any line of railroad which was abandoned during the 18-month period immediately prior to the effective date of the Staggers Rail Act of 1980 and was subsequently purchased by a financially responsible person.

"(h) If a purchasing carrier under this section proposes to sell or abandon all or any portion of a purchased railroad line, such purchasing carrier shall offer the right of first refusal with respect to such line or portion thereof to the carrier which sold such line under this section. Such offer shall be made at a price equal to the sum of the price paid by such purchasing carrier to such selling carrier for such line or portion thereof and the fair market value (less deterioration) of any improvements made, as adjusted to reflect inflation.

"(i) Any person operating a railroad line acquired under this section may determine preconditions, such as payment of a subsidy, which must be met by shippers in order to obtain service over such lines, but such operator must notify the shippers on the line of its intention to impose such preconditions.

Page 52, line 9, insert "Commitments which deprive a carrier of its ability to respond to reasonable requests for common carrier service are not reasonable." after "requests for service."

Page 53, line 3, insert "20 days have expired after" after "service terms unless".

Page 53, lines 11 and 12, strike " , including appropriate periods of notice." and insert in lieu thereof " . Final regulations shall be adopted by the Panel not later than 180 days after the date of the enactment of the ICC Termination Act of 1995."

Page 66, line 12, insert "in order to perfect the security interest that is the subject of such instrument" after "filed with the Panel".

Page 68, after line 15, insert the following new subsection:

"(g) The Panel shall collect, maintain, and keep open for public inspection a railway equipment register consistent with the manner and format maintained by the Interstate Commerce Commission as of the date of the enactment of the ICC Termination Act of 1995.

Page 69, line 8, insert "(except section 11122)" after "under this subchapter".

Page 73, line 19, strike "rights. Any trackage rights" and insert in lieu thereof "rights and access to other facilities. Any trackage rights and related".

Page 73, line 20, insert "operating terms and" after "shall provide for".

Page 74, lines 21 and 22, strike "Secretary of Transportation" and insert in lieu thereof "Attorney General".

Page 84, lines 2 and 3, strike "The Panel may begin an investigation under this part

on its own initiative or on complaint." and insert in lieu thereof "Except as otherwise provided in this part, the Panel may begin an investigation under this part only on complaint."

Page 85, line 24, insert "in a United States District Court" after "civil action".

Page 105, line 3, strike the first comma and all that follows through the period on line 5 and insert a period.

Page 115, line 6, before "authority" insert "appropriate".

Page 115, strike lines 7 and 8 and insert a period.

Page 117, line 4, strike "shall".

Page 132, line 4, strike "has" and insert "and the Panel have".

Page 133, after line 17, insert the following:

"(b) LIMITATION.—The Panel may not exempt a water carrier from the application of, or compliance with, sections 13701 and 13702 for transportation in noncontiguous domestic trade.

Page 133, line 18, strike "(b)" and insert "(c)".

Page 136, line 2, after "section 13703" insert "or 14302".

Page 136, in the matter following line 3—

(1) redesignate the items relating to sections 13707-13712 as items relating to sections 13708-13713, respectively;

(2) insert after the item relating to section 13706 the following:

" '13707. Payment of rates.'; and

(3) strike the item relating to section 13710, as redesignated by paragraph (1), and insert the following:

" '13710. Additional billing and collecting practices.'.

Page 136, lines 14 and 15, strike "described in section 13102(9)(A), or" and insert a comma.

Page 136, line 17, after the comma insert "or".

Page 136, after line 17, insert the following: "(C) rates, rules, and classifications made collectively by motor carriers under agreement pursuant to section 13703,

Page 138, lines 9 and 10, strike "described in section 13102(9)(A)".

Page 140, line 13, strike "kept open" and insert "make the tariffs as changed available".

Page 141, line 11, strike "in" and insert "of".

Page 141, lines 12 and 13, strike "households described in section 13102(9)(B)" and insert "household goods".

Page 142, line 7, strike "described in section 13102(9)(A)".

Page 143, strike lines 5 through 8 and insert the following:

"(4) INDEPENDENTLY ESTABLISHED RATES.—Any carrier which is a party to an agreement under paragraph (1) is not, and may not be precluded, from independently establishing its own rates, classification, and mileages or from adopting and using a noncollectively made classification or mileage guide.

"(5) INVESTIGATIONS.—

"(A) REASONABLENESS.—The Panel may suspend and investigate the reasonableness of any rate, rule, classification, or rate adjustment of general application made pursuant to an agreement under this section.

"(B) ACTIONS NOT IN THE PUBLIC INTEREST.—The Panel may investigate any action taken pursuant to an agreement approved under this section. If the Panel finds that the action is not in the public interest, the Panel may take such measures as may be necessary to protect the public interest with regard to the action, including issuing an order directing the parties to cease and desist or modify the action.

Page 143, line 9, strike "(5)" and insert "(6)".

Page 144, line 18, after the period insert the following:

Parties to the agreement may continue to undertake activities pursuant to the previously approved agreement while the renewal request is pending.

Page 145, strike line 11 and insert the following:

“(g) INDUSTRY STANDARD GUIDES.—

“(1) IN GENERAL.—

“(A) PUBLIC AVAILABILITY.—Routes, rates, classifications, mileage guides, and rules established under agreements approved under this section shall be published and made available for public inspection upon request.

“(B) PARTICIPATION OF CARRIERS.—

“(i) IN GENERAL.—A motor carrier of property whose routes, rates, classifications, mileage guides, rules, or packaging are determined or governed by publications established under agreements approved under this section must participate in the determining or governing publication for such provisions to apply.

“(ii) POWER OF ATTORNEY.—The motor carrier of property shall issue a power of attorney to the publishing agent and, upon its acceptance, the agent shall issue a written certification to the motor carrier affirming its participation in the governing publication, and the certification shall be made available for public inspection.

“(2) MILEAGE LIMITATION.—No carrier subject

Page 145, line 15, strike “(1)” and insert “(A)”.

Page 145, move lines 15 through 21 two ems to the right.

Page 145, strike line 16 and all that follows through “which” on line 17 and insert “that is developed independently of any other publication of mileage developed by any other carrier and that”.

Page 145, line 19, strike “(2)” and insert “(B)”.

Page 149, after line 16, insert the following:

“§ 13707. Payment of rates

“(a) TRANSFER OF POSSESSION UPON PAYMENT.—Except as provided in subsection (b), a carrier providing transportation or service subject to jurisdiction under this part shall give up possession at the destination of the property transported by it only when payment for the transportation or service is made.

“(b) EXCEPTIONS.—

“(1) REGULATIONS.—Under regulations of the Secretary governing the payment for transportation and service and preventing discrimination, those carriers may give up possession at destination of property transported by them before payment for the transportation or service. The regulations of the Secretary may provide for weekly or monthly payment for transportation provided by motor carriers and for periodic payment for transportation provided by water carriers.

“(2) EXTENSIONS OF CREDIT TO GOVERNMENTAL ENTITIES.—Such a carrier (including a motor carrier being used by a household goods freight forwarder) may extend credit for transporting property for the United States Government, a State, a territory or possession of the United States, or a political subdivision of any of them.

Redesignate subsequent sections of chapter 137 on pages 149 through 163, accordingly.

Page 149, line 18, strike “TIMING” and insert “DISCLOSURE”.

Page 149, line 23, before the period insert “and shall also disclose, at such time, whether and to whom any allowance or reduction in charges is made”.

Page 150, lines 13 and 14, strike “BEFORE EFFECTIVE DATE” and insert “AT RATES OTHER THAN LEGAL TARIFF RATES”.

Page 150, line 21, after the comma insert “or under subchapter I of chapter 135”.

Page 151, line 12, after “Commission” insert “or the Panel, as required,”.

Page 151, line 20, after “Commission” insert “or the Panel, as required,”.

Page 152, line 21, before the period insert “, or chapter 149”.

Page 154, line 7, before “title” insert “part or, for transportation provided before the effective date of this section, all rights and remedies that existed under this”.

Page 157, strike lines 11 and 12 and insert the following:

“§ 13710. Additional billing and collecting practices”

Page 157, line 20, after “rate” insert “applicable to its shipment or”.

Page 157, line 23, strike “With” and all that follows through “when” on line 25 and insert “When”.

Page 158, line 5, strike “In those cases” and insert the following:

“(3) BILLING DISPUTES.—

“(A) INITIATED BY MOTOR CARRIERS.—In those cases”

Page 158, strike line 16 and all that follows through “if” on line 18 and insert the following:

“(B) INITIATED BY SHIPPERS.—If”.

Page 160, line 1, before “that” insert “subject to jurisdiction under subchapter I of chapter 135 or, before the effective date of this section, to have provided transportation”.

Page 160, line 2, strike “before” and insert “, as in effect on the day before”.

Page 160, line 7, after “between” insert “(1)”.

Page 160, line 8, after “with” insert “this chapter or, with respect to transportation provided before the effective date of this section, in accordance with”.

Page 160, line 9, strike “of this title” and insert “, as in effect on the date the transportation was provided,”.

Page 160, line 10, strike “and” and insert “, and (2)”.

Page 160, line 13, strike “of this title”.

Page 160, lines 14 and 15, strike “of this title”.

Page 161, line 11, after “Commission” insert “or the Panel, as required,”.

Page 161, line 18, after “Commission” insert “or the Panel, as required,”.

Page 162, line 20, strike “relating” and all that follows through the period on line 22 and insert the following:

as in effect on the day before such effective date, as such sections relate to a filed tariff rate and other general tariff requirements.

Page 163, line 1, strike “13708” and insert “13709”.

Page 163, after line 8, insert the following:

“(g) APPLICABILITY TO PENDING CASES.—This section shall apply to all cases and proceedings pending on the effective date of this section.

Page 164, in the item relating to section 13904 in the matter following line 7, strike “motor carriers”.

Page 168, line 18, strike “EXPRESS”.

Page 169, lines 7 and 8, strike “Except as provided in section 14501(a), any” and insert “Any”.

Page 169, line 11, strike “the 30th” and all that follows through “and” on line 14 and insert “such time as”.

Page 169, line 16, strike the period and insert the following:

, but in no case later than the 30th day following the date on which the motor carrier of passengers first begins providing transportation entirely in one State under this paragraph.

Page 173, line 15, after “(3)” insert a comma.

Page 174, after line 11, insert the following:

“(d) MOTOR CARRIER DEFINED.—In this section and sections 13905 and 13906, the term ‘motor carrier’ includes foreign motor carriers and foreign motor private carriers.

Page 174, line 23, strike “motor carrier”.

Page 175, strike line 7 and move the matter on lines 8 through 10 after the subsection heading on line 6.

Page 175, strike lines 11 through 16.

Page 176, after line 1, insert the following:

“(a) PERSON HOLDING ICC AUTHORITY.—Any person having authority to provide transportation or service as a motor carrier, freight forwarder, or broker under this title, as in effect on the day before the effective date of this section, shall be deemed, for purposes of this part, to be registered to provide such transportation or service under this part.

Redesignate subsequent subsections on page 176 accordingly.

Page 176, line 22, strike “of the registrant”.

Page 186, line 22, after the period insert the following:

In issuing the regulations, the Secretary shall consider whether or not to integrate the requirements of section 13304 into the new system and may integrate such requirements into the new system.

Page 188, line 3, strike “under section 14504,” and insert “(including filings and fees authorized under section 14504),”.

Page 196, line 19, before the period insert “and brokers”.

Page 198, at the end of the matter following line 23, insert the following:

“14303. Consolidation, merger, and acquisition of control of motor carriers of passengers.

Page 201, line 14, strike “of this title”.

Page 205, after line 11, insert the following:

“(g) DEFINITIONS.—In this section, the following definitions apply:

“(1) HOUSEHOLD GOODS.—The term ‘household goods’ has the meaning such term had under section 10102(11) of this title, as in effect on the day before the effective date of this section.

“(2) TRANSPORTATION.—The term ‘transportation’ means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on the day before such effective date, if such subchapter were still in effect.

“§ 14303. Consolidation, merger, and acquisition of control of motor carriers of passengers

“(a) APPROVAL REQUIRED.—The following transactions involving motor carriers of passengers subject to jurisdiction under subchapter I of chapter 135 may be carried out only with the approval of the Panel:

“(1) Consolidation or merger of the properties or franchises of at least 2 carriers into one operation for the ownership, management, and operation of the previously separately owned properties.

“(2) A purchase, lease, or contract to operate property of another carrier by any number of carriers.

“(3) Acquisition of control of a carrier by any number of carriers.

“(4) Acquisition of control of at least 2 carriers by a person that is not a carrier.

“(5) Acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers.

“(b) STANDARD FOR APPROVAL.—The Panel shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Panel shall consider at least the following:

“(1) The effect of the proposed transaction on the adequacy of transportation to the public.

"(2) The total fixed charges that result from the proposed transaction.

"(3) The interest of carrier employees affected by the proposed transaction.

The Panel may impose conditions governing the transaction.

"(c) DETERMINATION OF COMPLETENESS OF APPLICATION.—Within 30 days after the date on which an application is filed under this section, the Panel shall either publish a notice of the application in the Federal Register or reject the application if it is incomplete.

"(d) COMMENTS.—Written comments about an application may be filed with the Panel within 45 days after the date on which notice of the application is published under subsection (c).

"(e) DEADLINES.—The Panel shall conclude evidentiary proceedings by the 240th day after the date on which notice of the application is published under subsection (c). The Panel shall issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Panel may extend a time period under this subsection; except that the total of all such extensions with respect to any application shall not exceed 90 days.

"(f) EFFECT OF APPROVAL.—A carrier or corporation participating in or resulting from a transaction approved by the Panel under this section, or exempted by the Panel from the application of this section pursuant to section 13541, may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A carrier, corporation, or person participating in the approved or exempted transaction is exempt from the anti-trust laws and from all other law, including State and municipal law, as necessary to let that person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

"(g) LIMITATION ON APPLICABILITY.—This section shall not apply to transactions involving carriers whose aggregate gross operating revenues were not more than \$2,000,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties.

Page 205, line 17, strike "two" and insert "2".

Page 206, line 12, strike "two" and insert "2".

Page 208, line 2, strike "performed" and all that follows through "without" on line 5 and insert "performed without".

Page 212, line 6, after "exceeds" insert a comma.

Page 218, line 7, strike "will be" and insert "is".

Page 218, line 12, strike "will minimize" and insert "minimizes".

Page 218, line 15, strike "will result" and insert "results".

Page 221, after line 12, insert the following:

"(d) LIMITATION.—The Secretary and the Panel only have authority under this section with respect to matters within their respective jurisdictions under this part.

Page 222, lines 12 and 13, strike ", through its own attorneys,".

Page 222, line 17, strike "of Transportation".

Page 222, lines 17 and 18, strike "Intermodal Surface Transportation" and insert "the".

Page 223, after line 2, insert the following:

"(a) IN GENERAL.—

Page 223, line 3, strike "(a)" and insert "(1)".

Page 223, line 3, strike "ORDER" and insert "ORDER".

Page 223, move lines 3 through 9 two ems to the right.

Move the sentence beginning on line 4 of page 224 after the period on line 9 of page 223.

Move paragraph (2) on lines 17 through 21 of page 223 after line 9 on page 223.

Page 223, strike lines 10 and 11 and insert the following:

"(b) LIABILITY AND DAMAGES FOR EXCEEDING TARIFF RATE.—

Page 223, move lines 12 through 16 two ems to the left.

Page 223, line 16, strike "of this title".

Page 223, line 26, strike "of this title".

Page 224, line 1, strike "(1) or (2) of this section".

Page 226, strike lines 10 through 14 and insert the following:

"(e) ATTORNEY'S FEES.—The district court shall award a reasonable attorney's fee under this section. The district court shall tax and collect that fee as part of the costs of the action.

Page 226, line 10, strike "

Page 227, line 6, strike "of this title".

Page 227, lines 13 and 14, strike "subsection (b)" and all that follows through "section" on line 15 and insert "subsections (b) and (c)".

Page 227, line 17, strike "of this section".

Page 229, line 12, strike "filed".

Page 229, line 12, strike "of this title".

Page 230, strike lines 18 through 24 and insert the following:

"(1) LIMITATION OF LIABILITY.—A carrier may limit liability imposed under subsection (a) by establishing rates for the transportation of property (other than household goods) under which the liability of the carrier for such property (A) is limited to a value established by written or electronic declaration of the shipper or by a mutual written agreement between the carrier and shipper, or (B) is contained in a schedule of rules and rates maintained by the carrier and provided to the shipper upon request. The schedule shall clearly state its dates of applicability.

Page 231, line 11, strike the parenthetical phrase.

Page 237, line 6, strike "In any case" and all that follows through the period on line 12 and insert the following:

The arbitrator may determine which party shall pay the cost or a portion of the cost of the arbitration proceeding.

Page 239, line 1, strike "motor".

Page 240, line 18, strike "those types of".

Page 240, after line 18, insert the following:

"(g) REVIEW BY SECRETARY.—Not later than 36 months after the effective date of this section, the Secretary shall complete a review of the dispute settlement program established under this section. If, after notice and opportunity for comment, the Secretary determines that changes are necessary to such program to ensure the fair and equitable resolution of disputes under this section, the Secretary shall implement such changes and transmit a report to Congress on such changes.

Page 241, line 4, after "with" insert "section 13702 or, with respect to transportation provided before the effective date of this section,".

Page 241, line 4, strike "of this title" and insert a comma.

Page 241, line 7, strike "filed".

Page 246, line 23, strike "subsection (a) or (b) of".

Page 248, line 6, strike "AGENTS AND OTHERS" and insert "OTHERS".

Page 249, line 4, after "person" insert a comma.

Page 252, line 9, after "registration" insert "of a foreign motor carrier or foreign motor private carrier".

Page 257, in the table of sections of subchapter II of chapter 7, strike the item relat-

ing to section 725 and redesignate the subsequent items accordingly.

Page 269, lines 16 through 25, strike section 725.

Page 270, lines 1 and 4, redesignate sections 726 and 727 as sections 725 and 726, respectively.

Page 271, line 2, after "Panel" insert "or the Secretary".

Page 271, line 3, after "Panel" insert "or the Secretary".

Page 271, line 3, strike "or times" and insert "and to such extent".

Page 271, line 24, insert "The Panel shall promptly rescind all regulations established by the Interstate Commerce Commission that are based on provisions of law repealed and not substantively reenacted by this Act." after "operation of law".

Page 277, after line 22, insert the following:

(1) in section 5005(a)(4) by striking "5201(7)" and inserting "5201(6)";

Page 277, line 23, strike "(1)" and insert "(2)".

Page 278, line 1, strike "(2)" and insert "(3)".

Page 278, after line 5, insert the following:

(B) in section 5201(2) by striking "a motor common carrier, or express carrier" and inserting "or a motor carrier";

(C) in section 5201(4)—

(i) by striking "common"; and

(ii) by striking "permit" and inserting "registration";

(D) in section 5201(5)—

(i) by striking "common" each place it appears;

(ii) by striking "10102(14)" and inserting "13102(11)"; and

(iii) by striking "certificate of public convenience and necessity" and inserting "registration";

(E) by striking paragraph (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(G) in section 5201(6), as so redesignated, by striking "certificate of public convenience and necessity" and inserting "certificate or registration";

Redesignate subsequent subparagraphs on page 278, accordingly.

Page 278, line 10, strike "(B)" and insert "(H)".

Page 278, lines 10 and 11, strike "paragraph," and all that follows through the semicolon on line 12 and insert the following: paragraph—

(i) by striking "Commission" and inserting "Panel"; and

(ii) by striking "motor common carrier" each place it appears and inserting "motor carrier";

Page 278, line 22, strike "and".

Page 279, line 2, strike the period and insert "; and".

Page 279, after line 2, insert the following:

(M) in section 5215(a) by striking "motor common carrier" and inserting "motor carrier".

Page 280, line 10, strike "Board" and insert "Panel".

Page 282, line 5, strike "Board" and insert "Panel".

Page 283, line 15, strike "board" and insert "Panel".

Page 291, line 1, before "part" insert "common carriers of passengers under".

Page 291, line 3, before "part" insert "carriers of passengers under".

Page 291, line 9, strike "11501(g)(2)" and insert "14501(b)(2)".

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OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: Page 36, line 11, strike "AMENDMENT" and insert "AMENDMENTS", in line 13 insert "(a) REPORTS.—" before "Strike" and insert after line 2 the following:

(b) DEFINITIONS.—

(1) AGENT OF A FOREIGN PRINCIPAL.—

(A) IN GENERAL.—Section 1(c) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(c)), is amended—

(i) by striking “agent of a foreign principal” each place it appears and inserting “representative of a foreign principal”;

(ii) in paragraph (1)(iv), by striking “and” after the semicolon at the end;

(iii) in paragraph (2), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(3) any person who engages in political activities for purposes of furthering commercial, industrial, or financial operations with a foreign principal.

For purposes of clause (1), a foreign principal shall be considered to control a person in major part if the foreign principal holds more than 50 percent equitable ownership in such person or, subject to rebuttal evidence, if the foreign principal holds at least 20 percent but not more than 50 percent equitable ownership in such person.”.

(B) FURTHER DEFINITION.—Section 1(d) of that Act (22 U.S.C. 611(d)) is amended to read as follows:

“(d) The term ‘representative of a foreign principal’ does not include—

“(1) any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with section 3685 of title 39, United States Code, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 percent beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in subsection (b) of this section, or by any representative of a foreign principal required to register under this Act; or

“(2) any incorporated, nonprofit membership organization organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States that is registered under section 308 of the Federal Regulation of Lobbying Act and has obtained tax-exempt status under section 501(c) of the Internal Revenue Code of 1986 and whose activities are directly supervised, directed, controlled, financed, or subsidized in whole by citizens of the United States.”.

(2) POLITICAL PROMOTIONAL OR INFORMATIONAL MATERIALS.—Section 1(j) of that Act (22 U.S.C. 611(j)) is amended—

(A) in the matter preceding clause (1), by striking “propaganda” and inserting “promotional or informational materials”;

(B) in clause (1), by striking “prevail upon, indoctrinate, convert, induce, or in any other way” and inserting “in any way”.

(3) POLITICAL ACTIVITIES.—Section 1(o) of that Act (22 U.S.C. 611(o)) is amended—

(A) by striking “prevail upon, indoctrinate, convert, induce, persuade, or in any other way” and inserting “in any way”;

(B) by striking “or changing the domestic or foreign” and inserting “enforcing, or changing the domestic or foreign laws, regulations, or”.

(4) POLITICAL CONSULTANT.—Section 1(p) of that Act (22 U.S.C. 611(p)) is amended—

(A) by inserting “(1)” after “any person”;

(B) by inserting before the semicolon at the end the following: “, or (2) who distributes political promotional or informational materials to an officer or employee of the United States Government, in his or her capacity as such officer or employee”.

(5) SERVING PREDOMINANTLY A FOREIGN INTEREST.—Section 1(q) of that Act (22 U.S.C. 611(q)) is amended—

(A) by striking “and” at the end of clause (ii) of the proviso; and

(B) by inserting before the period at the end the following: “, and (iv) such activities do not involve the representation of the interests of the foreign principal before any agency or official of the Government of the United States other than providing information in response to requests by such agency or official or as a necessary part of a formal judicial or administrative proceeding, including the initiation of such a proceeding.”.

(c) SUPPLEMENTAL REGISTRATION.—Section 2(b) of that Act (22 U.S.C. 612(b)) is amended—

(1) in the first sentence by striking “, within thirty days” and all that follows through “preceding six months’ period” and inserting “on January 31 and July 31 of each year file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth regarding the six-month periods ending the previous December 31, and June 30, respectively, or, if a lesser period, the period since the initial filing,”; and

(2) by inserting after the first sentence the following new sentence: “Any registrant using an accounting system with a fiscal year which is different from the calendar year may petition the Attorney General to permit the filing of supplemental statements at the close of the first and seventh month of each such fiscal year in lieu of the dates specified by the preceding sentence.”.

(d) REMOVAL OF EXEMPTION FOR CERTAIN COUNTRIES.—Section 3(f) of that Act (22 U.S.C. 613(f)) is repealed.

(e) LIMITING EXEMPTION FOR LEGAL REPRESENTATION.—Section 3(g) of that Act (22 U.S.C. 613(g)) is amended by striking “or any agency of the Government of the United States” and all that follows through “informal” and inserting “or before the Patent and Trademark Office, including any written submission to that Office”.

(f) NOTIFICATION OF RELIANCE ON EXEMPTIONS.—Section 3 of that Act (22 U.S.C. 613) is amended by adding at the end the following:

“Any person who does not register under section 2(a) on account of any provision of subsections (a) through (g) of this section shall so notify the Attorney General in such form and manner as the Attorney General prescribes.”.

(g) CIVIL PENALTIES AND ENFORCEMENT PROVISIONS.—Section 8 of that Act (22 U.S.C. 618) is amended by adding at the end the following:

“(i)(1) Any person who is determined, after notice and opportunity for an administrative hearing—

“(A) to have failed to file when such filing is required a registration statement under section 2(a) or a supplement thereto under section 2(b),

“(B) to have omitted a material fact required to be stated therein, or

“(C) to have made a false statement with respect to such a material fact,

shall be required to pay for each violation committed a civil penalty of not less than \$2,000 and not more than \$1,000,000. In determining the amount of the penalty, the Attorney General shall give due consideration to the nature and duration of the violation.

“(2)(A) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation regarding any violation of paragraph (1) of this subsection or of section 5, the Attorney General may, before bringing any civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

“(B) Civil investigative demands issued under this paragraph shall be subject to the applicable provisions of section 1968 of title 18, United States Code.”.

(h) CHANGE IN SHORT TITLE OF THE ACT.—Section 14 of that Act (22 U.S.C. 611 note) is amended by striking “Foreign Agents Registration Act of 1938, as amended” and inserting “Foreign Interests Representation Act”.

(i) REFERENCES TO AGENT OF A FOREIGN PRINCIPAL.—The Foreign Agents Registration Act of 1938, as amended is amended—

(1) by striking “agent of a foreign principal” each place it appears and inserting “representative of a foreign principal”;

(2) by striking “agents of foreign principals” each place it appears and inserting “representatives of foreign principals”;

(3) by striking “agent of such principal” each place it appears and inserting “representative of such principal”; and

(4) by striking “such agent” each place it appears and inserting “such representative”.

(j) REFERENCES TO POLITICAL PROPAGANDA.—

(1) The paragraph preceding section 1 of the Foreign Agents Registration Act of 1938, as amended is amended by striking “propaganda” and inserting “political”.

(2) The Foreign Interests Representation Act (other than the paragraph amended by paragraph (1) of this subsection) is amended by striking “propaganda” each place it appears and inserting “promotional or informational materials”.

(k) REFERENCES TO THE ACT.—

(1) Section 207(f)(2) of title 18, United States Code, is amended by striking “Foreign Agents Registration Act of 1938, as amended,” and inserting “Foreign Interests Representation Act”.

(2) Section 219 of title 18, United States Code, is amended—

(A) in subsection (a) by striking “agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended,” and inserting “representative of a foreign principal required to register under the Foreign Interests Representation Act”; and

(B) in subsection (b)—

(i) by striking “agent of a foreign principal” and inserting “representative of a foreign principal”;

(ii) by striking “such agent” and inserting “such representative”;

(iii) by striking “Foreign Agents Registration Act of 1938, as amended” and inserting “Foreign Interests Representation Act”.

(3) Section 5210(4) of the Competitiveness Policy Council Act (15 U.S.C. 4809(4)) is amended—

(A) by striking “agent of a foreign principal” and inserting “representative of a foreign principal”; and

(B) by striking “subsection (d) of the first section of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611)” and inserting “section 1(d) of the Foreign Interests Representation Act (22 U.S.C. 611(d))”.

(4) Section 34(a) of the Trading With the Enemy Act (50 U.S.C. App. 34(a)) is amended by striking “Act of June 8, 1934 (ch. 327, 52 Stat. 631), as amended” and inserting “Foreign Interests Representation Act”.